

House of Representatives

General Assembly

File No. 593

January Session, 2001

Substitute House Bill No. 7026

House of Representatives, May 3, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING STATUTORY OATHS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Section 1-25 of the general statutes is repealed and the
- 2 following is substituted in lieu thereof:
- The forms of oaths shall be as follows, to wit:
- 4 FOR MEMBERS OF THE GENERAL ASSEMBLY, EXECUTIVE
- 5 AND JUDICIAL OFFICERS.
- 6 You do solemnly swear (or affirm, as the case may be) that you will
- 7 support the Constitution of the United States, and the Constitution of
- 8 the state of Connecticut, so long as you continue a citizen thereof; and
- 9 that you will faithfully discharge, according to law, the duties of the
- office of to the best of your abilities; so help you God.

11 FOR NOTARIES PUBLIC.

You [do] solemnly swear [(or affirm, as the case may be)] or solemnly and sincerely affirm, as the case may be, that you will support the Constitution of the United States, and the Constitution of the state of Connecticut; and that you will faithfully discharge, according to law, the duties of the office of notary public to the best of your abilities; so help you God or upon penalty of perjury.

FOR ELECTORS.

You solemnly swear [(or affirm, as the case may be)] or solemnly and sincerely affirm, as the case may be, that you will [be true and faithful to the constitutions and governments of the State of Connecticut and the United States of America] support the Constitution of the United States and the Constitution of the State of Connecticut; that the statements made in your application for admission as an elector are true and complete; and that your privileges as an elector are not forfeited by reason of conviction of a felony; so help you God or upon penalty of perjury.

FOR ATTORNEYS.

[You solemnly swear (or affirm, as the case may be) that you will do no falsehood, nor consent to any to be done in court, and, if you know of any to be done, you will give information thereof to the judges, or one of them, that it may be reformed; you will not wittingly or willingly promote, sue or cause to be sued, any false or unlawful suit, or give aid, or consent, to the same; you will delay no person for lucre or malice; but will exercise the office of attorney, within the court wherein you may practice, according to the best of your learning and discretion, and with fidelity, as well to the court as to your client; so help you God.]

You solemnly swear or solemnly and sincerely affirm, as the case may be, that you will do nothing dishonest, and will not knowingly allow anything dishonest to be done, in court, and that you will inform

the court of any dishonesty of which you have knowledge; that you will not knowingly maintain or assist in maintaining any cause of action that is false or unlawful; that you will not obstruct any cause of action for personal gain or malice; but that you will exercise the office of attorney, in any court in which you may practice, according to the best of your learning and judgment, faithfully, to both your client and the court; so help you God or upon penalty of perjury.

[FOR GRAND JURORS IMPANELED IN COURT.

You solemnly swear by the name of the ever-living God, (or affirm, as the case may be) that you will diligently inquire after, and due presentment make, of all breaches of law that shall come to your knowledge, according to your charge; the secrets of the cause, your own, and your fellows', you will duly observe and keep; you will present no person from envy, hatred or malice; neither will you leave any person unpresented, from love, fear or affection, or in hope of reward; but you will present cases truly, as they come to your knowledge, according to the best of your understanding and according to law; so help you God.]

FOR PETIT JURORS IN CRIMINAL CAUSES.

[You solemnly swear by the name of the ever-living God, (or affirm, as the case may be) that you will, without respect of persons or favor of any person, well and truly try, and true deliverance make, between the state of Connecticut and the defendant, whom you shall have in charge, according to law and the evidence before you; your own counsel, and your fellows', you will duly observe and keep; you will speak nothing, to any one, of the business or matters you have in hand, but among yourselves, nor will you suffer any one to speak to you about the same, but in court; so help you God.]

You solemnly swear or solemnly and sincerely affirm, as the case may be, that you will, without respect of any persons or favor of any

person, decide this case between the state of Connecticut and the defendant (or defendants) based on the evidence given in court and on the laws of this state, as explained by the judge; that you will not talk to each other about this case until instructed to do so; that you will listen to and consider what the other jurors have to say in deliberations about this case; that you will not speak to anyone else, or allow anyone else to speak to you, about this case until it is over; and that when you reach a decision, you will not disclose the decision until it is announced in court; so help you God or upon penalty of perjury.

FOR ALTERNATE JURORS IN CRIMINAL CAUSES.

[You solemnly swear by the name of the ever-living God, (or affirm, as the case may be) that, if called upon to become a member of the jury to determine this cause, you will, without respect of persons or favor of any person, well and truly try, and true deliverance make, between the state of Connecticut and the defendant, whom you shall have in charge, according to law and the evidence before you; your own counsel, and your fellows', you will duly observe and keep; you will speak nothing, to any one, of the business or matters you have in hand, but among yourselves, nor will you suffer any one to speak to you about the same, but in court; so help you God.]

You solemnly swear or solemnly and sincerely affirm, as the case may be, that, if you become a member of the jury for this case, you will, without respect of any persons or favor of any person, decide this case between the state of Connecticut and the defendant (or defendants) based on the evidence given in court and on the laws of this state, as explained by the judge; that you will not talk to each other about this case until instructed to do so; that you will listen to and consider what the other jurors have to say in deliberations about this case; that you will not speak to anyone else, or allow anyone else to speak to you, about this case until it is over; and that when you reach a decision, you will not disclose the decision until it is announced in

court; so help you God or upon penalty of perjury.

FOR JURORS IN CIVIL CAUSES.

[You solemnly swear (or affirm, as the case may be) that you will well and truly try the issue or issues, now to be given you in charge, between the plaintiff and the defendant (or plaintiffs and defendants), according to the evidence given you in court, and the laws of this state, and accordingly a true verdict give; your own counsel, and your fellows', you will duly observe and keep; you will speak nothing, to any one, of the business or matters you have in hand, but among yourselves, nor will you suffer any one to speak to you about the same, but in court; and, when you are agreed upon any verdict, you will keep it secret until you deliver it up in court; so help you God.]

You solemnly swear or solemnly and sincerely affirm, as the case may be, that you will decide this case between the plaintiff and the defendant (or plaintiffs and defendants) based on the evidence given in court and on the laws of this state as explained by the judge; that you will not talk to each other about this case until instructed to do so; that you will listen to and consider what the other jurors have to say in deliberations about this case; that you will not speak to anyone else, or allow anyone else to speak to you, about this case until it is over; and that when you reach a decision, you will not disclose the decision until it is announced in court; so help you God or upon penalty of perjury.

FOR ALTERNATE JURORS IN CIVIL CAUSES.

[You solemnly swear (or affirm, as the case may be) that, if called upon to become a member of the jury to determine this cause, you will well and truly try the issue or issues, now to be given you in charge, between the plaintiff and the defendant (or plaintiffs and defendants), according to the evidence given you in court, and the laws of this state, and accordingly a true verdict give; your own counsel, and your fellows', you will duly observe and keep; you will speak nothing, to

any one, of the business or matters you have in hand, but among

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134 yourselves, nor will you suffer any one to speak to you about the same, 135 but in court; and, when you are agreed upon any verdict, you will 136 keep it secret until you deliver it up in court; so help you God.] 137 You solemnly swear or solemnly and sincerely affirm, as the case 138 may be, that, if you become a member of the jury for this case, you will 139 decide this case between the plaintiff and the defendant (or plaintiffs 140 and defendants) based on the evidence given in court and on the laws 141 of this state as explained by the judge; that you will not talk to each 142 other about this case until instructed to do so; that you will listen to 143 and consider what the other jurors have to say in deliberations about 144 this case; that you will not speak to anyone else, or allow anyone else 145 to speak to you, about this case until it is over; and that when you reach a decision, you will not disclose the decision until it is 146 147 announced in court; so help you God or upon penalty of perjury. 148 VOIR DIRE. 149 You solemnly swear (or affirm, as the case may be) that you will 150 well and truly answer such interrogatories as shall be put to you, 151 under the direction of the court, not immediately relating to the merits 152 of the cause now in question; so help you God.] 153 You solemnly swear or solemnly and sincerely affirm, as the case 154 may be, that you will answer truthfully all questions that you are asked; so help you God or upon penalty of perjury. 155 156 FOR WITNESSES. 157 You solemnly swear (or affirm, as the case may be) that the 158 evidence you shall give, concerning the case now in question, shall be 159 the truth, the whole truth and nothing but the truth; so help you God.] 160 You solemnly swear or solemnly and sincerely affirm, as the case 161 may be, that the evidence you shall give, concerning this case, shall be sHB7026 / File No. 593

the truth, the whole truth and nothing but the truth; so help you God or upon penalty of perjury.

FOR INVESTIGATORY GRAND JURY WITNESSES.

You solemnly swear or solemnly and sincerely affirm, as the case may be, that the evidence you shall give, concerning this investigation into the commission of a crime or crimes, shall be the truth, the whole truth and nothing but the truth; so help you God or upon penalty of perjury.

FOR WITNESSES TWELVE YEARS OF AGE OR YOUNGER.

You promise that you will tell the truth.

FOR AN INTERPRETER IN A CRIMINAL CASE.

[You solemnly swear (or affirm, as the case may be) that you will make a true interpretation of the information (or indictment) upon which the accused stands charged, in the language which the accused understands and can speak, and of all questions which may be propounded to the accused under the direction of the court; and that you will make a like true interpretation of the plea to said information (or indictment) and of the answers to such questions to this court (or to this court and jury), in the English language, according to your best skill and judgment; so help you God.]

You solemnly swear or solemnly and sincerely affirm, as the case may be, that you will interpret accurately the information (or indictment) that charges the accused with a crime and all questions that the accused may be asked under the direction of the court in a language the accused can understand and speak; that you will interpret accurately the plea of the accused to the information and the answers of the accused to the court (or to the court and jury) in English; and that you will make all interpretations to the best of your skill and judgment; so help you God or upon penalty of perjury.

FOR AN INTERPRETER IN COURT.

[You solemnly swear (or affirm, as the case may be) that you will make a true interpretation of the oath to be administered to the witness, in the language which the witness understands and can speak, and of all questions which may be propounded to the witness under the direction of the court; and that you will make a like true interpretation of the answers to such questions to this court (or to this court and jury), in the English language, according to your best skill and judgment; so help you God.]

You solemnly swear or solemnly and sincerely affirm, as the case may be, that you will interpret accurately the oath to be administered to the witness and all questions that the witness may be asked under direction of the court in a language the witness can understand and speak; that you will interpret accurately the answers of the witness to the court (or to the court and jury) in English; and that you will make all interpretations to the best of your skill and judgment; so help you God or upon penalty of perjury.

FOR AN INTERPRETER FOR A DEAF

OR HEARING IMPAIRED JUROR.

[You solemnly swear (or affirm, as the case may be) that you will make a true interpretation to a deaf or hearing impaired juror of the juror orientation program, of any oath to be administered to the juror, of all testimony and other relevant colloquy, and of all questions which may be propounded to the juror under the direction of the court; and that you will make a like true interpretation of the juror's answers to this court, in the English language, according to your best skill and judgment; and that you will refrain from participating in any manner in the deliberations of the jury other than making a true interpretation of jurors' remarks made during deliberation, according to your best skill and judgment; and that you will refrain from having

communications with anyone outside the jury concerning the business

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222 or matters in the jurors' hands; so help you God.] 223 You solemnly swear or solemnly and sincerely affirm, as the case may be, that you will interpret accurately to a deaf or hearing impaired 224 225 juror the juror orientation program, any oath to be administered to the 226 juror, all testimony and other relevant conversation, and all questions 227 that the juror may be asked under the direction of the court; that you 228 will interpret accurately the answers of the juror to the court in 229 English; that you will not participate in any manner in the 230 deliberations of the jury other than making an accurate interpretation 231 of the remarks of the jurors during deliberations; that you will make all 232 interpretations to the best of your skill and judgment; and that you will 233 not communicate with anyone outside the jury concerning the business 234 or matters before the jury; so help you God or upon penalty of perjury. 235 FOR ASSESSORS, TO SUBSCRIBE UPON ABSTRACT. 236 I, ..., assessor of the town of ..., do solemnly swear [(or affirm, as 237 the case may be)] or solemnly and sincerely affirm, as the case may be, 238 that I [verily] believe that all the lists, and the abstract of said town for 239 the year [19] 20.., are made up and perfected according to law; so help 240 me God or upon penalty of perjury. 241 FOR PLAINTIFF, WHEN INDIFFERENT PERSON IS [DEPUTED] 242 AUTHORIZED TO SERVE WRIT. 243 You solemnly swear (or affirm, as the case may be) that you verily 244 believe the plaintiff is (or plaintiffs are) in danger of losing the debt 245 (damage or other thing) in this writ, unless an indifferent person shall 246 be deputed for the immediate service of the same; so help you God.] 247 You solemnly swear or solemnly and sincerely affirm, as the case 248 may be, that you believe the plaintiff is (or plaintiffs are) in danger of 249 losing the debt (damage or other thing) in this writ, unless an sHB7026 / File No. 593 9

indifferent person is authorized to immediately serve this writ; so help you God or upon penalty of perjury.

FOR MEMBERS OF A COURT-MARTIAL.

[You solemnly swear (or affirm, as the case may be) that you will truly try and determine, according to the evidence given in court, the matters depending between this state and the officer (or officers) now to be tried; that you will not divulge the sentence of the court until the same shall have been approved or disapproved, according to law; neither will you, at any time, disclose the vote or opinion of any member of the court, unless required by due course of law; so help you God.]

You solemnly swear or solemnly and sincerely affirm, as the case may be, that you will decide, based on the evidence given in court, this case between this state and the officer (or officers); that you will not disclose the sentence of the court until it has been approved or disapproved, according to law; and that you will not, at any time, disclose the vote or opinion of any member of the court, unless required by due course of law; so help you God or upon penalty of perjury.

FOR THE JUDGE-ADVOCATE OF A COURT-MARTIAL.

[You solemnly swear (or affirm, as the case may be) that you will not, at any time whatever, disclose the vote or opinion of any member of any court-martial in which you may be called to act, unless required by due course of law, nor divulge the sentence of any such court, unless the same shall have been approved or disapproved, according to law; and that you will faithfully and impartially do the duty of judge-advocate, according to your best ability; so help you God.]

You solemnly swear or solemnly and sincerely affirm, as the case may be, that you will not, at any time, disclose the vote or opinion of

279	any member of any court-martial in which you may be called to act,
280	unless required by due course of law; that you will not disclose the
281	sentence of the court until it has been approved or disapproved,
282	according to law; and that you will faithfully and impartially discharge
283	your duties as judge-advocate, to the best of your abilities; so help you
284	God or upon penalty of perjury.
285	FOR OFFICIALS APPOINTED TO SERVE IN ANY POLLING
286	PLACE IN ANY ELECTION OR PRIMARY.
287	You solemnly swear [(or affirm, as the case may be)] or solemnly
288	and sincerely affirm, as the case may be, that you will faithfully
289	discharge, according to law, your duties as, to the best of your
290	[ability] abilities; and that you will serve in this election or primary as
291	the case may be, as an official, completely impartial with respect to any
292	candidate or any political party; so help you God or upon penalty of
293	perjury.
294	FOR ALL OTHER PERSONS OF WHOM AN OATH IS REQUIRED.
295	You solemnly swear [(or affirm, as the case may be)] or solemnly
296	and sincerely affirm, as the case may be, that you will faithfully
297	discharge, according to law, your duties as, to the best of your
298	[ability] abilities; so help you God or upon penalty of perjury.
299	Sec. 2. Section 1-23 of the general statutes is repealed.
300	Sec. 3. This act shall take effect July 1, 2001.

JUD Joint Favorable Subst.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Judicial Department

Municipal Impact: None

Explanation

The bill modernizes various statutory oaths by eliminating and updating antiquated language. Passage of the bill would not result in any fiscal impact to the state.

OLR BILL ANALYSIS

sHB 7026

AN ACT CONCERNING STATUTORY OATHS.

SUMMARY:

This bill modernizes the language in oaths that people take as:

- 1. voters;
- 2. attorneys;
- 3. civil, criminal, and potential jurors;
- 4. witnesses;
- 5. court interpreters;
- 6. town assessors;
- 7. plaintiffs, when directing an indifferent person to serve a writ immediately;
- 8. court martial members and judge advocates;
- 9. officials appointed to serve in polling places during elections; and
- 10. required in circumstances not otherwise covered by a specific oath.

It repeals the general law specifying when a person may give a solemn affirmation rather than swear an oath, and the words that must be used when they do so. Instead, it specifies in each statutory oath that affirmations be made solemnly and sincerely and upon penalty of perjury, which is substantially the same as current law. (Perjury is a class D felony, punishable by one to five years in prison, a fine of up to \$5,000, or both.)

Finally, the bill eliminates an obsolete oath for court-empanelled grand jurors and adds one for investigatory grand jury witnesses.

EFFECTIVE DATE: July 1, 2001

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute Yea 40 Nay 0